IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.63316-M of 2006

DATE OF DECISION:01.12.2006

Ajij .....Petitioner

Versus

State of Haryana .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Naveen kaushik, Advocate
for the petitioner.

Shri Partap Singh, Sr. DAG, Haryana.

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Petitioner Ajij apprehending his arrest in a non-bailable offence in case FIR No. 199 dated 2.7.2004 under Sections 343,376 and 506/34 IPC, registered at Police Station Nuh, District Gurgaon (now Mewat), has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that in the aforesaid FIR, the petitioner, who was working as truck driver, was falsely implicated by the complainant as at the time of the alleged occurrence, the petitioner was at Banglore. During the investigation, the police found the petitioner innocent and not involved in the occurrence. Subsequently, on the statement of the complainant, the petitioner has been summoned under Section 319 Cr.P.C. Counsel contends that co-accused of the petitioner, namely, Ayub Khan, who was also found innocent by the police, has been ordered to be released on bail by Sessions Judge, Gurgaon, vide order dated 18.2.2006, copy of which has been annexed with the petition as

Annexure P-3. Counsel contends that case of the petitioner and his co-accused Ayub Khan is exactly the same.

Counsel for the petitioner contends that in view of the order dated 17.10.2006, the petitioner has appeared before the trial Court and furnished his regular bail bonds, which have been accepted and attested and since then he is regularly appearing before the trial Court. These facts have not been disputed by counsel for the respondent-State.

In view of the above, without expressing anything on the merits of the case, the interim bail, granted vide order dated 17.10.2006 is made absolute.

Disposed of accordingly.

December 01, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**